

**THE
PRIVACY ACT (PA)
PROGRAM**

A MANAGER'S GUIDE



**UNITED STATES TRANSPORTATION
COMMAND
OFFICE OF INFORMATION
MANAGEMENT
FOIA, PRIVACY ACT, AND REPORTS
MANAGEMENT DIVISION**

INTRODUCTION

The Privacy Act of 1974 (PA) was enacted to protect individuals from unwarranted invasion of their personal privacy. Privacy is a personal and fundamental right protected by the Constitution of the United States.

The Privacy Act:

- Informs people when personal records are collected, maintained, used, or disseminated.
- Gives people access to or a copy of their records unless the record meets an approved exemption or the record was created in anticipation of civil action or proceedings.
- Requires procedures to ensure that all information is timely, accurate, relevant, and complete.
- Permits people to correct or amend their records if the records are factually wrong.

Requires safeguards to prevent the unauthorized disclosure or misuse of information.

**PREPARED BY:
OFFICE OF INFORMATION
MANAGEMENT
UNITED STATES TRANSPORTATION
COMMAND
SCOTT AIR FORCE BASE, ILLINOIS
JUNE 1996**

**YOUR PRIVACY ACT OFFICER IS
CHIEF, FOIA, PRIVACY ACT,
AND REPORTS MANAGEMENT DIVISION
(TCIM-F)
OFFICE OF INFORMATION MANAGEMENT**

STATUTE AND REGULATION

United States Code, Title 5, Section 552a.

Implemented by Department of Defense Directive 5400.11.

Implemented by Department of Defense Regulation 5400.11.

Implemented by Air Force Instruction 37-132.

Implemented by United States Transportation Command Instruction 37-11.

For further research, see publications in Privacy Act Manager's Office, Building 1900, Room 324.

OVERVIEW

Personal information is collected directly from the individual whenever possible.

A notice must be published in the Federal Register when a system of records is established or revised prior to operating the system.

Personnel dealing with records within a system of records are trained in the established rules of conduct for handling personal information.

Contractors who operate a system of records for USTRANSCOM or handle personal information must comply with the Privacy Act and are employees of USTRANSCOM for purposes of the Act.

ACCESS TO AND AMENDMENT OF RECORDS

When a person requests records maintained in a system of records:

- **Verify the records' existence.**
- **Verify the requester's identity.**
- **Allow access unless exempt.**
- **Provide copies when requested.**

Individuals may request amendment of records that are not:

- **Accurate**
- **Timely**
- **Relevant**
- **Complete**
- **Necessary**

Requests for access to or amendment of records must be acknowledged within 10 workdays.

When amending records, notify the requester of the amendment approval and make the appropriate change(s) to the record.

When the System Manager recommends denial of access or amendment, forward the case file through TCIM-F to the Denial Authority for final determination.

PRIVACY ACT TERMS

Personal Identifier: A name, number, or symbol unique to an individual. The most often used personal identifiers are the individual's name and Social Security Number (SSN). Other examples are fingerprints or voiceprints.

Personal Information: All information about an individual except for matters of public record. For example, medical files and details on a person's private life. Official duties are normally not personal.

Privacy Act Statement (PAS): Furnished to an individual when requested to provide personal information, regardless of the medium used to collect the information, to go into a system of records. A PAS is also furnished to an individual when asking them for their SSN.

Routine Use: The disclosure of a record outside the Department of Defense (DoD) for a use that is compatible with the purpose for which the information was collected and maintained by the DoD. The routine use must be included in the published system notice for the system of records involved.

System of Records: Any group of records from which we retrieve personal information by name or personal identifier. A record in a system of records must contain two elements, a personal identifier, and at least one item of personal information.

System Manager: The official who initiates a system of records and issues policies and procedures for operating an safeguarding a system.

PRIVACY ACT PROCESSING FEES

- Charge for reproduction costs.
- There is NO search charge.
- Fees less than \$15.00 may be waived.

ACCOUNTING FOR DISCLOSURES

The Privacy Act requires an accounting of disclosures outside the Department of Defense (excluding Freedom of Information Act releases) to include:

- The date of release.
- Type of information released.
- Reason for making release
- Name and address of recipient.

System Managers use disclosure accounting to inform:

- People that their records were disclosed.
- Previous recipients of the records, if records are amended.

PRIVACY ACT EXEMPTIONS

There are two types of exemptions: General and Specific.

General exemptions are only for Service Secretary approved investigative systems used by activities whose principal function is criminal law enforcement. These include the Staff Judge Advocate, and investigative and correctional activities.

- They preclude access to and amendment of records in the affected systems.
- They may also preclude civil lawsuits.

Specific exemptions focus on specific records within a system.

Restrictions on exempted records cannot be waived.

The Privacy Act only applies to personal information contained in a System of Records retrievable by a personal identifier. When information is not releasable under the Privacy Act, consider whether it is releasable under the Freedom of Information Act (FOIA). If yes, RELEASE it! No matter which Act the requester cites, always release under the Act giving greater access. Deny access only under the cited Act. You cannot withhold records under the Privacy Act which are available under the FOIA.

APPEALS

- Write the Secretary of the Air Force to appeal a denial decision.
- Requester has 60 calendar days after receiving the denial letter to appeal.

STATEMENT OF DISAGREEMENT

- Statement of Disagreement submitted with an appellate decision not to amend records.
- System Manager files the statement with the disputed record.
- System Manager informs previous and future record recipients of the dispute and provides a copy of the statement.

RESPONSIBILITIES

The Privacy Act (PA) Officer, TCIM-F, is responsible for:

- **Administering the Privacy Act program within USTRANSCOM.**
- **Providing training resources.**
- **Reviewing and coordinating on all regulations and forms generated at their level for adherence to the Privacy Act.**
- **Staffing denial recommendations.**
- **Compiling reports and reviewing system notices.**

System Managers are responsible for:

- **Managing, safeguarding, and evaluating their system(s) of records.**
- **Providing training resources to assure proper operation and maintenance of their system(s).**
- **Preparing public notices and reports for new or changed systems.**

Decentralized System Managers are responsible for:

- **Answering Privacy Act requests.**
- **Keeping accurate records of all reportable disclosures.**
- **Compiling annual report data.**

The USTRANSCOM Legal Advisor, TCJA, is responsible for reviewing and coordinating all OPR recommendations for denial/partial denial.

Before requesting a Social Security Number (SSN), the individual must be informed of:

- **The law or authority for collecting the SSN.**
- **How the SSN will be used.**
- **Whether disclosure is mandatory or voluntary.**

A legal right, benefit, or privilege cannot be denied if someone refuses to provide their SSN unless the law requires disclosure or, for systems operated before 1 January 1975, a law or regulation required disclosure.

PRIVACY ACT STATEMENTS

A Privacy Act Statement must be given to all persons asked to provide personal information about themselves which will go into a system of records. The Privacy Act Statement must include:

- Legal authority for collecting the information.
- Purpose for collecting the information.
- Routine uses of the information, why and to whom disclosure will be made outside of the Department of Defense community.
- Mandatory or Voluntary. Collection of information is mandatory only when a federal statute, Executive Order, regulation, or other lawful order specifically imposes a duty on the person to provide the information and the individual is subject to a penalty if he or she fails to do so, or the information is mission essential to USTRANSCOM.
- Effects, if any, for not providing the information. List the loss or denial of a privilege, benefit, or entitlement sought as a consequence of not furnishing the requested information.

DISCLOSURES TO THIRD PARTIES

Information from a System of Records may be disclosed to a third party if the subject of the record asks you to do so or has given prior written consent.

Records may be disclosed without subject consent only under the following:

- To Department of Defense (DoD) employees who need the record to perform official duties.
- To the public as required by the Freedom of Information Act.
- To agencies outside DoD for a routine use as listed in the system notice.
- To the Bureau of the Census.
- To a recipient for statistical research or reporting, but only in a format that makes it impossible to identify the real subjects.
- To the National Archives.
- To a Federal, state, or local agency outside DoD for a civil or criminal law enforcement activity.
- To an individual or agency under compelling circumstances that affect an individual's health or safety.
- To either House of Congress.
- To a congressional office acting for a constituent who is the record subject.
- To the Comptroller General or representative of the General Accounting Office.
- To a court (A judge must sign the order).
- To a consumer reporting agency according to the Federal Claims Collection Act.

SUMMARY

Remember, consult with your Privacy Act Officer if you receive a request or have questions concerning the Privacy Act.

USTRANSCOM PRIVACY ACT MANAGEMENT STAFF

**MRS. MARY E. KISTER
CHIEF OF INFORMATION MANAGEMENT**

**MRS. CORA J. HOLT
USTRANSCOM PRIVACY ACT OFFICER**

**USTRANSCOM/TCIM-F
508 SCOTT DRIVE
SCOTT AFB IL 62225-5357**

**618-256-5170
DSN: 576-5170
FAX: 618-256-8655
EMAIL: @transcom.safb.af.mil**